



Stephen W. Barrow
Refinery Business Unit
Project Manager
Baltimore MD Terminal

**Chevron Environmental
Management Company**
1200 State Street
Perth Amboy, NJ 08861
Tel 732-738-2185
Fax 732-738-2039
stwb@chevron.com

Kenneth J. Cox
U.S. Environmental Protection Agency – Region III
1650 Arch Street
Philadelphia, PA 19103

June 3, 2011

Dear Mr. Cox:

During a March 28, 2011 Resource Conservation and Recovery Act (RCRA) Compliance Evaluation/Land Disposal Restriction Inspection at the Chevron Baltimore Asphalt Terminal, it was discovered that the required land disposal notification/certification forms were not located with the manifests maintained at the site, nor were these forms located elsewhere at the Chevron Asphalt Terminal.

Personnel at the Chevron Baltimore Asphalt Terminal are keenly aware of their RCRA responsibilities and have a history of conscientious compliance. We do rely on our partners, such as Waste Management, Inc., to assist us with routine steps involved in the management of our wastes and the records associated with the generation and disposal of them. As noted in the RCRA Compliance Evaluation/Land Disposal Restriction Inspection Report, operations and recordkeeping at the Terminal were observed by the EPA Inspector as, "well maintained" and compliant with proper management standards for hazardous waste generation with the exception of the notification and certification documentation for the F038 waste that had last been shipped from the Terminal in February 2009. I am forwarding the missing LDR form, as well as the August 1, 2007 waste profile, which we located in our files.

Although current and future core facility operations are not expected to generate hazardous waste, it is possible that periodic changes in business operations or on-going facility decommissioning activities could result in non-routine hazardous waste generation events. Whenever hazardous waste is generated in the future, it will be managed consistently with the established requirements for such material.

Chevron is committed to the proper management of all wastes associated with its operations. We consistently generate, store, transport, and dispose of our waste streams in a careful and compliant manner. I regret the missing LDR form, all other observations confirmed that Chevron has been conscientiously and correctly managing/tracking/inspecting waste and that the violation is a paperwork violation. At no time was human health or the environment in any increased danger due to the absence of the form at the Terminal.

If you have any questions or concerns please do not hesitate to contact me at (732) 738-2118.

Sincerely,

A handwritten signature in black ink that reads "Stephen W. Barrow".

Stephen W. Barrow

cc:

Gerard Crutchley
Anthony Enweze
Douglas Jennings
Robert Lavorerio

EPA Representative
Maryland Department of the Environment Representative
Chevron Terminal Mgr.
Chevron EMC Area Mgr.

4/14/11

LAND DISPOSAL NOTIFICATION AND CERTIFICATION FORM (PHASE IV)

Generator Name:

Chevron

Manifest Doc. No.: 005068502

Profile Number:

CFI-9671-CH

State Manifest No:

1. Is this waste a non-wastewater or wastewater? (See 40 CFR 268.2) Check ONE: Nonwastewater ☒ Wastewater ☐
2. Identify ALL USEPA hazardous waste codes that apply to this waste shipment, as defined by 40 CFR 261. For each waste code, identify the corresponding subcategory, or check NONE if the waste code has no subcategory. Spent solvent treatment standards are listed on the following page. If F039, multi-source leachate applies, those constituents must be listed and attached by the generator. If D001-D043 requires treatment of the characteristic and meet 268.48 standards, then the underlying hazardous constituent(s) present in the waste must be listed and attached.

REF #	3. US EPA HAZARDOUS WASTE CODE(S)	4. SUBCATEGORY ENTER THE SUBCATEGORY DESCRIPTION. IF NOT APPLICABLE, SIMPLY CHECK NONE		5. HOW MUST THE WASTE BE MANAGED? ENTER LETTER FROM BELOW
		DESCRIPTION	NONE	
1	FO-38	RQ Hazardous Waste Solid NOS		A
2		(Benzo(a)pyrene) 9, NA 3077 III		
3				
4				

To identify F039 or D001-D043, underlying hazardous constituent(s), use the "F039/Underlying Hazardous Constituent Form" provided (CWM-2004) and check here: _____

If no UHCs are present in the waste upon its initial generation check here: _____

To list additional USEPA waste code(s) and subcategory(ies), use the supplemental sheet provided (CWM-2005-D) and check here: _____

Disposal facility monitors for all UHCs check here: _____

If waste will be managed in a system regulated under the CWA, or a Class 1 injection well under the SDWA check here: _____

HOW MUST THE WASTE BE MANAGED? In column 5 above, enter the letter (A, B1, B3, B4, B5, B6, C, D or E) below that describes how the waste must be managed to comply with the land disposal regulations (40 CFR 268.7). Please understand that if you enter the letter B1, B3, B4, B5, B6, or D you are making the appropriate certification as provided below. (States authorized by EPA to manage the LDR program may have regulatory citations different from the 40 CFR citations listed below. Where these regulatory citations differ, your certification will be deemed to refer to those state citations instead of the 40 CFR citations.)

A. RESTRICTED WASTE REQUIRES TREATMENT

This waste must be treated to the applicable treatment standards set forth in 40 CFR 268.40.

For Hazardous Debris: "This hazardous debris is subject to the alternative treatment standards of 40 CFR 268.45."

B.1 RESTRICTED WASTE TREATED TO PERFORMANCE STANDARDS

"I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with the treatment standards specified in 40 CFR 268.40 without impermissible dilution of the prohibited waste. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

B.3 GOOD FAITH ANALYTICAL CERTIFICATION FOR INCINERATED ORGANICS

"I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by combustion in units as specified in 268.42 Table 1. I have been unable to detect the nonwastewater organic constituents despite having used best good faith efforts to analyze for such constituents. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

B.4 DECHARACTERIZED WASTE REQUIRES TREATMENT FOR UNDERLYING HAZARDOUS CONSTITUENTS

"I certify under penalty of law that the waste has been treated in accordance with the requirements of 40 CFR 268.40 or 268.49, to remove the hazardous characteristic. This decharacterized waste contains underlying hazardous constituents that require further treatment to meet treatment standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

B.6 RESTRICTED DEBRIS TREATED TO ALTERNATE PERFORMANCE STANDARDS

"I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and believe that it has been maintained and operated properly so as to comply with treatment standards specified in 40 CFR 268.45 without impermissible dilution of the prohibited wastes. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

C. RESTRICTED WASTE SUBJECT TO A VARIANCE

This waste is subject to a national capacity variance, a treatability variance, or a case-by-case extension. Enter the effective date of prohibition in column 5 above.

For Hazardous Debris: "This hazardous debris is subject to the alternative treatment standards of 40 CFR Part 268.45."

D. RESTRICTED WASTE CAN BE LAND DISPOSED WITHOUT FURTHER TREATMENT

"I certify under penalty of law I have personally examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in 40 CFR Part 268 Subpart D. I believe that the information I submitted is true, accurate and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

E. WASTE IS NOT CURRENTLY SUBJECT TO PART 268 RESTRICTIONS

This waste is a newly identified waste that is not currently subject to any 40 CFR Part 268 restrictions.

I hereby certify that all information submitted in this and all associated documents is complete and accurate, to the best of my knowledge and information.

Signature

SW Baran

Title

BALTIMORE, MD.

Protect MGR.

Date

6-2-11

1990 Chemical Waste Management, Inc. - 08/99- Form CWM-2005-C

CASIE/PROTANK

ENVIRONMENTAL SERVICES

☒ New
☐ Amendment
☐ Recertification

NAME OF
WASTE STREAM

MATERIAL
CFI NO.

9671-IDC

A. GENERATOR INFORMATION

Generator Name Chevron / Texaco AsphaltFacility Address 1955 Chesapeake AvenueCity/County BaltimoreState MDZip Code 21226USEPA ID# MD 990686156Technical Contact Claude TherisTelephone (HKT) 576-3799

EXT. _____

Fax () _____

Billing Name Waste ManagementBilling Address 2425 S. 40th StreetCity PhoenixState AZZip Code 85034Attention Deanna Caniga

B. WASTE INFORMATION

Common Name for Waste _____

Detailed Description of Process Generating Waste (Describe each step in process)

Float (solids) from processing oily water
Tank cleaning - removal of asphalt solids

List raw materials used: _____

List products produced: _____

Is waste Dioxin bearing? ☐ Yes ☒ No Infectious? ☐ Yes ☒ NoRadioactive? ☐ Yes ☒ No Explosive? ☐ Yes ☒ NoAnticipated Volume: 800 cyds Frequency: 1Current Volume on site: 800 cyds

Have toxicity characteristic or other analysis been performed on this waste?

☐ No ☐ Yes (if yes, please attach copy of results)

C. DOT

Shipping Name Hazardous Waste Solid(benz(a)pyrene)Hazard Class 9UN/NA No. NA3077Packing Group 3

RC _____

Method of Shipment:

☐ Vac Truck ☐ Dump Trailer ☐ Drum (type/size) _____☐ Tank Truck ☒ Roll Off ☐ Other _____

D. RCRA

Non Hazardous/Exempt? ☐ Yes ☒ NoState Waste Codes: F038EPA Waste Codes: F0381) Is this a US EPA hazardous waste? ☒ Yes ☐ No2) Is waste an EPA Listed hazardous waste? ☒ Yes ☐ No3) Does waste contain solvents? ☐ Yes ☒ No

If yes, specify: _____

4) Is waste a listed solvent as defined by 40 CFR 261.31

(F001, F002, F003, F004, F005)?

☐ Yes ☒ No

5) Does waste contain greater than 1,000 ppm Total HOCs.

Halogenated Organic Compounds?

☐ Yes ☒ No

6) Does waste contain PCBs greater than 50 ppm or PCBs

derived from a source greater than 50 ppm?

☐ Yes ☒ No

E. ANNUAL REPORT CODES

SIC Code: _____

Source Code: AForm Code: B

Origin Code: _____

System Type: M

F. OTHER COMPONENTS

	No	Yes	Total ppm
PCB's	<input type="checkbox"/>	<input type="checkbox"/>	
Cyanides	<input type="checkbox"/>	<input type="checkbox"/>	
Sulfides	<input type="checkbox"/>	<input type="checkbox"/>	
Pesticides	<input type="checkbox"/>	<input type="checkbox"/>	
Phenolics	<input type="checkbox"/>	<input type="checkbox"/>	
Dioxins	<input type="checkbox"/>	<input type="checkbox"/>	
Halogens	<input type="checkbox"/>	<input type="checkbox"/>	%

G. PHYSICAL CHARACTERISTICS AT 70° F

Weight	Density	lbs/gal. (US liq)	lbs/cu. foot
Dry Weight	<input type="checkbox"/> <1.0% <input type="checkbox"/> 1-5% <input type="checkbox"/> 5-20% <input type="checkbox"/> 20-100%		
pH	<input type="checkbox"/> N/A <input type="checkbox"/> 0-2 <input type="checkbox"/> 2.1-4 <input type="checkbox"/> 4.1-10 <input type="checkbox"/> 10.1-12.4 <input type="checkbox"/> ≥12.5 Exact		
Flash Point	<input type="checkbox"/> <100°F <input type="checkbox"/> 101-140°F <input type="checkbox"/> 141-200°F		
(liquid only)	<input type="checkbox"/> >200°F <input type="checkbox"/> N/A		
Boiling Point	<input type="checkbox"/> <95°F <input type="checkbox"/> >95°F <input type="checkbox"/> N/A		
BTULB	% Recoverable Oil		

H. METALS ☐ None ☐ TCLP (MGL) ☐ TOTAL (PPM)

	Reg. Unit	Below	Above	Range
D004 Arsenic	5 mg/L	<input type="checkbox"/>	<input type="checkbox"/>	
D005 Barium	100 mg/L	<input type="checkbox"/>	<input type="checkbox"/>	
D006 Cadmium	1 mg/L	<input type="checkbox"/>	<input type="checkbox"/>	
D007 Chromium	5 mg/L	<input type="checkbox"/>	<input type="checkbox"/>	
Copper		<input type="checkbox"/>	<input type="checkbox"/>	
D008 Lead	5 mg/L	<input type="checkbox"/>	<input type="checkbox"/>	
D009 Mercury	0.2 mg/L	<input type="checkbox"/>	<input type="checkbox"/>	
Nickel	134 mg/L	<input type="checkbox"/>	<input type="checkbox"/>	
D010 Selenium	1 mg/L	<input type="checkbox"/>	<input type="checkbox"/>	
D011 Silver	5 mg/L	<input type="checkbox"/>	<input type="checkbox"/>	
Zinc		<input type="checkbox"/>	<input type="checkbox"/>	

Others: _____

J. TOXICITY CHARACTERISTIC ORGANICS

☐ Total ☐ TCLP

	(in parts per million)	Actual		(in parts per million)	Actual
D012 Endrin	<input type="checkbox"/> <0.02		D028 1,2 Dichloroethane	<input type="checkbox"/> <0.5	
D013 Lindane	<input type="checkbox"/> <0.4		D029 1,1 Dichloroethylene	<input type="checkbox"/> <0.7	
D014 Methoxychlor	<input type="checkbox"/> <10.0		D030 2,4 Dinitrotoluene	<input type="checkbox"/> <0.13	
D015 Toxaphene	<input type="checkbox"/> <0.5		D031 Heptachlor	<input type="checkbox"/> <0.008	
D016 2,4 D	<input type="checkbox"/> <10.0		D032 Hexachlorobenzene	<input type="checkbox"/> <0.13	
D017 Silvex (2, 4, 5-TP)	<input type="checkbox"/> <1.0		D033 Hexachlorobutadiene	<input type="checkbox"/> <0.5	
D018 Benzene	<input type="checkbox"/> <0.5		D034 Hexachloroethane	<input type="checkbox"/> <3.0	
D019 Carbon Tetrachloride	<input type="checkbox"/> <0.5		D035 Methyl Ethyl Ketone	<input type="checkbox"/> <200	
D020 Chlordane	<input type="checkbox"/> <0.03		D036 Nitrobenzene	<input type="checkbox"/> <2.0	
D021 Chlorobenzene	<input type="checkbox"/> <100		D037 Pentachlorophenol	<input type="checkbox"/> <100	
D022 Chloroform	<input type="checkbox"/> <6.0		D038 Pyridine	<input type="checkbox"/> <5.0	
D023 O-Cresol	<input type="checkbox"/> <200		D039 Tetrachloroethylene	<input type="checkbox"/> <0.7	
D024 M-Cresol	<input type="checkbox"/> <200		D040 Trichloroethane	<input type="checkbox"/> <0.5	
D025 P-Cresol	<input type="checkbox"/> <200		D041 2,4,5 Trichlorophenol	<input type="checkbox"/> <400	
D026 Cresols	<input type="checkbox"/> <200		D042 2,4,6 Trichlorophenol	<input type="checkbox"/> <2.0	
D027 1,4 Dichlorobenzene	<input type="checkbox"/> <7.5		D043 Vinyl Chloride	<input type="checkbox"/> <0.2	

I. PHYSICAL/CHEMICAL CONSTITUENTS

<u>SOLIDS FROM OIL</u>	<u>PS</u>	%
<u>WATER SEWER</u>		%
<u>REF RECOVERED</u>	<u>15</u>	%
<u>OIL</u>	<u>100</u>	%

(Attach All MSDS, Sample Analysis and Additional Info)

100%

K. HAZARDOUS CHARACTERISTICS			TSCA Regulated Waste?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/> Corrosive	<input type="checkbox"/> Acutely Toxic	<input type="checkbox"/> Pyrophoric	US EPA Hazardous Waste?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Toxic	<input type="checkbox"/> Peroxide	<input type="checkbox"/> Reactive	State Hazardous Waste?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Oxidizer	<input type="checkbox"/> Ignitable	<input type="checkbox"/> Water Reactive	CERCLA Hazardous Waste?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/> T.C. Toxic	<input type="checkbox"/> Poison		US EPA Hazardous Waste Numbers	F038

The information in this report is based on ☒ General Knowledge ☐ Analysis (attached)

GENERATOR CERTIFICATION

I hereby certify that the above and attached description is complete and accurate and that no deliberate or willful omissions of compositions or properties exists, and that all known or suspected hazards have been disclosed.

Generator's Authorized Signature: [Signature] TITLE HEAD OPERATOR DATE 7/30/07

WASTE CHARACTERIZATION REPORT

General Instructions

- 1) This Waste Characterization Report has been designed to provide Casie/Protank with information necessary to transport, treat, store, or dispose of your waste in a safe, legal, and environmentally sound manner.
- 2) The information on this form is required prior to the acceptance of any waste by Casie/Protank. Answers must be provided for all questions / sections on this form, and be printed in ink or typed.
- 3) If a particular question is not applicable to your waste stream, indicate by writing "NA" in the appropriate space. If your waste does not contain a specific constituent, indicate by writing "NONE" in the appropriate space.
- 4) If you do not know the answer to a specific question indicate "UNKNOWN" in the appropriate section. This response will require you to provide additional information or have analysis performed.
- 5) Pay special attention to the Process Description section of this form. Provide a *detailed step by step* description of the actual process which generates the waste, starting with the raw materials used through to the final product produced.
- 6) Ranges are acceptable in the Chemical Composition section of the form. All organic and inorganic components in the waste must be listed and the sum of the averages must equal 100 percent.
- 7) Material Safety Data Sheets (MSDS) must be submitted for virgin chemical products, offspec chemical products, spent solvents, and spill cleanup material.
- 8) An authorized employee of the generator must sign and date the certification on the completed Waste Characterization Report.
- 9) A representative sample must be collected in accordance with 40 CFR 261 Appendix I and submitted along with the complete WCR.
- 10) If you need help in completing this form, please contact your Casie/Protank Sales Representative.
- 11) Make a copy of this form for your records and send original and all attachments to the address shown above.
- 12) Once approved this waste stream will require recertification once per year at the approval anniversary date.
- 13) You must notify your Casie/Protank Sales Representative in the event of a material or process change.

CASIE/PROTANK

P.O. Box 92
Franklinville, NJ 08322
856-696-4401
FAX 856-696-7065

NJDEP 0614D1HP08
EPA ID NJD045995693
NJDEP LAB 06739
NJ HAZ TRANS S6747



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA FEDEX

Mr. Douglas Jennings
Terminal Manager
Chevron Baltimore Asphalt Terminal
1955 Chesapeake Avenue
Baltimore, MD 21226

Re: **Notice of Violation**
Compliance Evaluation Inspection
March 28, 2011
EPA ID No. MDD990686156

Docket Number: R3-11-NOV-RCRA-27

Dear Mr. Jennings:

On March 22, 2011, the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") at Chevron Baltimore Asphalt Terminal ("The Facility") under the Code of Maryland Annotated Regulations ("COMAR") and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Section 6901 *et seq.* The inspection report is enclosed. Based on that inspection and a review of other pertinent information, EPA has determined that the facility is violating regulations under the COMAR and RCRA. As a result of this determination, the EPA is issuing this **Notice of Violation (NOV)**. The specific violations are:

1. At the time of the inspection the Facility representatives could not locate the Land Disposal Restriction (LDR) records from previous shipment of hazardous waste. Federal Regulations at 40 CFR §268.7(a)(8) requires that records related to LDR be kept at the facility for at least 3 years.

Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this Notice of Violation may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

Within twenty (20) calendar days of the receipt of this NOV, please submit a response documenting the measures the facility has taken or is taking to achieve compliance with the violations noted above or provide an explanation of facts and circumstances that cause you to

believe that EPA's determination of the alleged violations are in error. If the compliance measures identified are planned or are on-going, please provide a schedule for when the compliance measures will be completed.

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.

This Notice of Violation is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the one cited in this letter, or past violations in any future enforcement action. Any response to this NOV shall be addressed to:

Kenneth J. Cox
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103



Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

May 11, 2011
Date

Enclosure

cc: K. Cox (3LC70)

T. DiFiore(3LC70)

H. Dye, MDE



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Mr. Butch Dye, Administrator
Hazardous Waste Program
Maryland Department of the Environment
Montgomery Park Business Center
1800 Washington Blvd.
Baltimore, MD 21230-1719

May 5, 2011

RE: RCRA Notice of Violation
Chevron Baltimore Asphalt Terminal
MDD990686156

Dear Mr. Dye:

The U.S. Environmental Protection Agency Region III is pursuing the issuance of a Notice of Violation to Chevron Baltimore Asphalt Terminal in Baltimore, MD pursuant to the Resource Conservation and Recovery Act (RCRA) as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984. The Notice of Violation will address hazardous waste violations of RCRA Subtitle C.

I appreciate your cooperation in this matter and look forward to your continued efforts toward a successful enforcement program. Should you have any questions regarding this matter, please contact me at (215) 814-5430 or Ken Cox at (215) 814-3441.

Sincerely,

A handwritten signature in black ink, which appears to read "Carol Amend".

Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

cc: K. Cox, 3LC70 ✓